

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JAMES ALLEN SUSKE KINNEY,

Plaintiff,

v.

THE STATE OF WASHINGTON,  
WASHINGTON STATE  
DEPARTMENT OF CORRECTIONS,  
AIRWAY HEIGHTS  
CORRECTIONAL CENTER,  
MAGGIE MILLER STOUT, MARK  
MURPHY, JEFFREY WARD, MR.  
RIDGEWAY, C/O HALL, JAMES  
ROLLINS and DR. DEBORAH  
TONIFER,

Defendants.

NO: 2:15-CV-00128-TOR

ORDER GRANTING MOTION TO  
VOLUNTARILY DISMISS,  
DISMISSING COMPLAINT,  
DIRECTING THAT COLLECTION  
OF THE FILING FEE CEASE AND  
DENYING PENDING MOTIONS AS  
MOOT

BEFORE THE COURT are Plaintiff's Motions to Voluntarily Dismiss (ECF No. 17, 26), in which he also seeks to "adjust any fines or fee's I owe in writing," which the Court liberally construes as a Motion to waive collection of the filing fee.

ORDER GRANTING MOTION TO VOLUNTARILY DISMISS, DISMISSING COMPLAINT, DIRECTING THAT COLLECTION OF THE FILING FEE CEASE AND DENYING PENDING MOTIONS AS MOOT -- 1

1 Plaintiff, a prisoner at the Airway Heights Corrections Center is proceeding *pro se*  
2 and *in forma pauperis*; Defendants have not been served.

3 Accordingly, **IT IS ORDERED** Plaintiff's Motion to Voluntarily Dismiss  
4 (ECF No. 17, 26) is **GRANTED** pursuant to Fed. R. Civ. P. 41(a) and the  
5 Complaint (ECF No. 9) is **DISMISSED WITHOUT PREJUDICE**. For good  
6 cause shown, **IT IS FURTHER ORDERED** that Plaintiff's Motion to waive  
7 collection of the filing fee is **GRANTED** and the institution having custody of Mr.  
8 Kinney shall cease collection of the filing fee in this action, cause number **2:15-**  
9 **CV-00128-TOR (formerly JPH)**. In addition, all pending Motions are **DENIED**  
10 **as moot** and all pending deadlines shall be stricken.

11 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
12 Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff  
13 and close the file. The District Court Executive is further directed to send a copy  
14 of this Order to the Office of the **Department of Corrections, Attn: LFO/COS**  
15 **UNIT, P.O. Box 41107, Olympia, WA 98504-1107**, to forward to the appropriate  
16 agency having custody of Plaintiff.

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ORDER GRANTING MOTION TO VOLUNTARILY DISMISS, DISMISSING  
COMPLAINT, DIRECTING THAT COLLECTION OF THE FILING FEE  
CEASE AND DENYING PENDING MOTIONS AS MOOT -- 2

1 The District Court Executive also **shall** provide a copy of this Order to the  
2 Financial Administrator for the United States District Court, Eastern District of  
3 Washington.

4 **DATED** July 23, 2015.



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*Thomas O. Rice*  
THOMAS O. RICE  
United States District Judge